

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES

PROFESSIONAL SECURITY OFFICERS AND  
INVESTIGATORS OF AMERICA AND  
PROFESSIONAL SECURITY OFFICERS AND INVESTIGATORS  
OF AMERICA, LOCAL 101  
(DECO, INC.)

and

Case 14-CB-126322

GLENN LEE, an Individual

*Lyn R. Buckley, Esq.*, for the General Counsel.  
*Kris Kelley*, for the Respondent.

DECISION

STATEMENT OF THE CASE

Arthur J. Amchan, Administrative Law Judge. On November 13, 2014, I issued an order dismissing Respondent's Answer and deeming all allegations in the complaint admitted. I also directed the General Counsel to submit a brief or memorandum to explain how the complaint allegations constituted a violation of the Act. I issued the November 13 order because of the Respondent Union's failure to comply with a show cause order that I issued on November 6, 2014. On November 6, I ordered Respondent to file a sworn affidavit that it would appear at the hearing in this matter scheduled for November 18, 2014.

I issued the November 6 Show Cause Order because Respondent Union had repeatedly ignored requests to participate in a conference call and had given every indication that it did not intend to show up at the hearing.

The General Counsel has filed a brief as I directed. The Complaint alleges that Respondent Union violated Section 8(b)(1)(A) is refusing to refund special project dues, also known as restrictive break dues, collected for the months of July, August and September 2013 to at least 8 bargaining unit employees.

Respondent filed an Answer to the original complaint on August 13, 2014, in which it admitted that it did not refund the dues as alleged in the complaint, but refunded this money only to members who were in good standing as of the end of September 2013. Respondent asserted that, or implied, that those unit employees to whom refunds were not paid were delinquent in their dues payments. Given Respondent's lack of cooperation in this matter, specifically its failure to comply with the Notice to Show Cause, I find that Respondent failed to refund the special project dues as alleged and that it had no factual or legal basis for doing so.

As a legal matter, I conclude that Respondent has a duty under Section 8(b)(1)(A) to refund the special project dues in a manner that is not arbitrary, discriminatory or in bad faith. I find on the basis of the record in this case, that Respondent Union failed to refund the special project dues in this case in a manner that was arbitrary, discriminatory, or in bad faith and that it breached its fiduciary duty to the unit employees to whom refund payments were not made, in violation of Section 8(b)(1)(A) of the Act.

#### REMEDY

Having found that the Respondent has engaged in certain unfair labor practices, I shall order it to cease and desist therefrom and to take certain affirmative action designed to effectuate the policies of the Act.

On these findings of fact and conclusions of law and on the entire record, I issue the following recommended<sup>1</sup>

#### ORDER

The Respondent, Professional Security Officers and Investigators of America and Professional Security Officers and Investigators of America, Local 101 , its officers, agents, and representatives, shall

##### 1. Cease and desist from

(a) Withholding the refund of special project dues that was collected in July, August and September 2013 to any bargaining unit employees.

(b) In any like or related manner restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

##### 2. Take the following affirmative action necessary to effectuate the policies of the Act

(a) Within 14 days of this Order, refund to all unit employees who have not previously received this refund, the amounts collected as special project dues for the months of July, August and September 2013.

(b) Within 14 days after service by the Region, post at its business office and other places where notices to its members are customarily posted, copies of the attached notice marked "Appendix."<sup>2</sup> Copies of the notice, on forms provided by the Regional Director for Region 14,

---

<sup>1</sup> If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.

<sup>2</sup> If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to members are customarily posted. In addition to physical posting of paper notices, the notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its members by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

(c) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., December 15, 2014.

---

Arthur J. Amchan  
Administrative Law Judge

## APPENDIX

### NOTICE TO MEMBERS

Posted by Order of the  
National Labor Relations Board  
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

#### FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union  
Choose representatives to bargain on your behalf with your employer  
Act together with other employees for your benefit and protection  
Choose not to engage in any of these protected activities.

WE WILL NOT refuse to refund special project dues that was collected in July, August and September 2013 to any bargaining unit employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL, within 14 days of the Board's order, refund special project dues that was collected in July, August and September 2013 to all bargaining unit employees who have not received such refunds previously.

PROFESSIONAL SECURITY OFFICERS AND  
INVESTIGATORS OF AMERICA AND  
PROFESSIONAL SECURITY OFFICERS AND  
INVESTIGATORS OF AMERICA, LOCAL 101  
(DECO, INC.)  
\_\_\_\_\_  
(Employer)

Dated \_\_\_\_\_ By \_\_\_\_\_  
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).

1222 Spruce Street, Room 8.302, Saint Louis, MO 63103-2829  
(314) 539-7770, Hours: 8 a.m. to 4:30 p.m.

The Administrative Law Judge's decision can be found at [www.nlr.gov/case/14-CB-126322](http://www.nlr.gov/case/14-CB-126322) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.



**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE**

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, (314) 539-7780.